IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

Bail Appl..No. 130 of 2007()

Crime No.256/93 of Aluva Police Station

: PETITIONER

UMMER KOYA, S/O.KOYAKUTTY,
KIZHAKKEDATHUPARAMBIL, PARAMBIL BAZAAR,
KOZHIKODE.

BY ADV. SRI.PRAVEEN.H.

RESPONDENTS:

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1. DETECTIVE INSPECTOR,
C.B., C.I.D., ALUVA POLICE STATION,
ALUVA, ERNAKULAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No. 130 of 2007

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Dated this the 11th day of January, 2007.

ORDER

Petitioner, who is the second accused in Crime No.256 of 1993 of Aluva Police Station for offences punishable under Sections 468 and 420 read with Section 34 I.P.C. and subsequently registered as Crime No.85/CR/96 of CB CID, Ernakulam, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.236 of 1999 on the file of the J.F.C.M.-I, Aluva, the case against the petitioner was split up and refiled as C.C.No.716 of 2003. Admittedly, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the trial court and seek regular bail. Accordingly, if the petitioner surrenders before the J.F.C.M.-I, Aluva and files an application for regular bail within two weeks from today, the same shall be considered

and disposed of preferably on the same date on which it is filed.

With this direction, this petition is disposed of.

V.Ramkumar,
Judge.

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